UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

DARNELL E. WILLIAMS and YESSENIA M. TAVARES,)))
Plaintiffs,)
v.) C.A. No. 16-11949-LTS
JOHN B. KING, JR., in his official capacity as Secretary of the United States Department of Education, and JACOB J. LEW, in his official capacity as Secretary of the United States Department of the Treasury,))))
Defendants.)) .)

ASSENTED-TO MOTION TO EXTEND THE TIME TO ANSWER

Now come the Defendants John B. King and Jacob J. Lew, in their official capacities, by and through their attorney, Carmen M. Ortiz, the United States Attorney for the District of Massachusetts, and move to extend the time to answer or otherwise respond to the Amended Complaint (Document No. 5) to January 6, 2017. As grounds for this motion, Defendants state:

- Plaintiff Darnell E. Williams filed the original complaint on October 12, 2016, and, together with a second Plaintiff, Yessenia M. Tavares, filed an Amended Complaint ("Complaint") on October 17, 2016 (Document No. 5).
- 2. Each Plaintiff asserts claims under the Administrative Procedures Act ("APA") and for a declaratory judgment against the secretaries of two federal agencies: Department of Education and Department of the Treasury.
- 3. The U.S. Attorney's Office received the original complaint on or about October 4, 2016, and the agencies received the original complaint on October 18, 2016 (Education) and

October 19, 2016 (Treasury). Since that time, the undersigned attorney and attorneys for each agency have been working diligently to assemble the administrative record and assess the defenses and positions of each agency under the law and based on the facts.

- 4. Because the action involves claims by two different plaintiffs against two separate agencies, the government requires additional time to formulate its response to the Complaint.
- 5. Further, the undersigned attorney will be on leave from December 23, 2016 through January 2, 2017.
- 6. For these reasons, Defendants respectfully request an extension to January 6,2017 to answer or otherwise respond to the Complaint.
 - 7. Plaintiffs assent to the requested extension.

WHEREFORE, Defendants respectfully request that the Court extend the time to answer or otherwise respond to the Complaint to January 6, 2017.

Respectfully submitted,

CARMEN M. ORTIZ United States Attorney

By: /s/ Jessica P. Driscoll

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Dated: November 14, 2016

¹ Based on the summonses filed by the Plaintiffs, the Court entered an answer deadline of November 29, 2016 (Document Nos. 11 and 12). Respectfully, if the Court declines to grant this motion, Defendants request that the answer deadline be amended to December 5, 2016, which is the Monday following December 3, 2016 (sixty days from the date the U.S. Attorney's Office *received* the original complaint).

Local Rule 7.1 Certificate

I hereby certify that I contacted Plaintiffs' attorneys, Alec Harris and Eileen Connor, who indicated that Plaintiffs assent to the requested extension.

/s/ Jessica P. Driscoll
Jessica P. Driscoll
Assistant United States Attorney

Dated: November 14, 2016

CERTIFICATE OF SERVICE

I, Jessica P. Driscoll, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

/s/ Jessica P. Driscoll
Jessica P. Driscoll

Dated: November 14, 2016 Assistant United States Attorney